

Exhibit 43

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October 25, 2011

via E-File and Facsimile Transmission - (212) 884-8979

THE HONORABLE BERNARD J. FRIED
JUSTICE OF THE SUPREME COURT
NEW YORK COUNTY
60 Centre Street, Room 626
New York, New York 10007-1474

Re: Orchard Hotel, LLC v. D.A.B. Group, LLC, et al.
Index No.: 850044/2011

Dear Justice Fried:

The undersigned represents Defendant D.A.B. Group, LLC ("DAB") in connection with the above captioned matter. I write this letter to request a two (2) week adjournment of the Plaintiff's motion, pursuant to CPLR§3211, seeking pre-reply dismissal of DAB's counterclaims.

Plaintiff's motion is now returnable on October 27, 2011. A like motion filed on behalf of the additional Defendants on the counterclaim, Brooklyn Federal Savings Bank ("Brooklyn Federal") and State Bank of Texas ("State Bank") is also returnable for the first time on October 27, 2011 however, counsel for those moving parties has consented to the requested adjournment to November 10, 2011.

Plaintiff's motion had been adjourned, pursuant to stipulation, from October 12, 2011 to October 27, 2011 and I did agree that the motion would then be marked "final". (See e-filed document number 167). At the time I agreed to the final marking I was unaware of the fact that the principal of my client would be traveling out of the country visiting family for the Jewish holidays and unavailable to participate in the opposition to this motion to dismiss.

FAVATA & WALLACE LLP

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Re: Orchard Hotel, LLC v. D.A.B. Group, LLC, et al.
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Accordingly, on October 20, 2011 I requested of Plaintiff's counsel an adjournment and was advised that he would get back to me. Today, on October 25, 2011, I was advised that Plaintiff would not consent to an adjournment of this motion even though Brooklyn Federal and State Bank had agreed to such an adjournment and that the aforereferenced stipulation contemplated that these two motions would track together.

That being said, I would like the Court to note that the counterclaims, which are the subject of this motion, were filed and served on August 15, 2011 and that pursuant to stipulation (Document 142) I extended the Plaintiff's time to answer or respond to September 23, 2011. The response was this motion.

In addition, on the record, on September 15, 2011 counsel for the Plaintiff agreed to comply with my discovery demands served on or about August 18, 2011 and further stated "we would provide him with document discovery so that he could respond to the motion for summary judgment." (Document 172, page 17). To date we have not received that document discovery, although it was requested on or about August 18, 2011.

Since it was already agreed among the parties that these two motions should track together and since the additional Defendants on the counterclaims have agreed to the adjournment, it was my hope that I would not have to burden the Court with this application. However, the Plaintiff refuses to consent.

Of course I am available for a telephone conference and will be available, if the Court so desires, to make this application on the record on October 27, 2011.

Respectfully yours,

FAVATA & WALLACE, LLP



William G. Wallace

WGW: / g

cc: Counsel of Record (e-file)

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February 22, 2012

via E-File

HON. BERNARD J. FRIED, J.S.C.
SUPREME COURT NEW YORK COUNTY
60 Centre Street, Room 626
New York, New York 10007-1474

Re: Orchard Hotel, LLC v. D.A.B. Group, LLC, et al.
Index No.: 850044/2011

Dear Justice Fried:

The undersigned represents Defendant D.A.B. Group, LLC ("DAB") in the above captioned matter. DAB respectfully requests an adjournment of Plaintiff's Motion for Summary Judgment and related relief (severance of cross-claims and counter-claims, appointment of a referee, etc.) from February 24, 2012 to March 22, 2012. The motion has been designated on the Court's docket as Motion # 6.

Plaintiff's motion is returnable, for the first time, on February 24th and was served on February 3, 2012, a Friday after normal business hours and was made on a mere twenty-one days notice. The motion is voluminous and involves various and sundry complex issues of mortgage foreclosure and lien priority. In fact, the Plaintiff requested, and was granted leave to file a brief in excess of the 25 page limit. (Plaintiff utilized all 40 pages allowed by the Court). (see document # 209)

While I do have one partner, I am the only attorney in the practice handling this matter and all other litigated matters. I requested an adjournment from Plaintiff's counsel and was advised that Plaintiff would consent to a two week adjournment. A two week adjournment is insufficient to properly respond to this motion.

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In addition, my client is currently out of the country and has been for some time making it more difficult to confer and prepare an adequate response to this motion.

I have been advised that Co-Defendant Flintlock Construction Services, LLC has requested an adjournment to March 23, 2012.

Accordingly, I respectfully join in that request and request on behalf of my client that the Plaintiff's motion # 6, Motion For Summary Judgment be adjourned to March 23, 2012 as it relates to my client DAB.

In accordance with the Court's prior instruction I am herewith adding a "so ordered" signature line for the Court's convenience.

Thank you for your consideration of this request.

Respectfully yours,

FAVATA & WALLACE, LLP



William G. Wallace

WGW: / g

cc: All Counsel of Record via E-filing

Adjournment Granted to March ____, 2012

So Ordered:

J.S.C.

DATE

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May 2, 2012

via E-Filing

HONORABLE BERNARD J. FRIED
SUPREME COURT NEW YORK COUNTY
60 Centre Street, Room 626
New York, New York 10007

Re: Orchard Hotel, LLC v. D.A.B. Group LLC, et al
Index No.: 850044-2011
Oral Argument Date: May 8, 2012

Dear Justice Fried:

This firm represents Defendant D.A.B. Group, LLC ("DAB") in connection with the above captioned matter. Oral argument on the Plaintiff's Motion For Summary Judgment is currently scheduled for May 8, 2012 at 10:30 AM.

I have heard from the principal of my client, Ben Zhavian, that he is out of the country and is unable to get a flight back in time for oral argument. As a party he would like to attend the oral argument of this motion.

Accordingly, I respectfully request that the oral argument of the motion to be adjourned to May 18, 2012, May 21, 2012 or May 22, 2012 or such later date as is convenient to the Court.

Respectfully yours,

FAVATA & WALLACE, LLP



William G. Wallace

WGW: / g

cc: All Counsel via E-Filing

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June 6, 2012

via E-file and facsimile - (212) 401-9057

HON. CHARLES E. RAMOS
SUPREME COURT NEW YORK COUNTY
60 Centre Street, Room 691
New York, New York 10007-1474

Re: Orchard Hotel, LLC v. D.A.B. Group, LLC, et al.
Index No.: 850044/2011


Dear Justice Ramos:

This firm represents the Defendant D.A.B.GROUP, LLC in connection with the above captioned action.

This matter was recently reassigned to you from Justice Fried by an Administrative Order. Motions and Cross-Motions for Summary Judgment have previously been submitted and Justice Fried deferred oral argument until the successor Justice was assigned. I understand from counsel for the Plaintiff that you have requested alternative dates from the parties for oral argument. I was advised that July 12, 2012 was a date acceptable to the Plaintiff and the Cross-Movant. I have consulted with my client the principal of the primary Defendant D.A.B. GROUP, LLC and he has advised me that, as a party, he wishes to be present at oral argument. He also advises me that he is available to attend oral argument July 24, 2012 or alternatively July 31, 2012 if that is convenient for the Court and other parties.

Respectfully yours,

FAVATA & WALLACE, LLP



William G. Wallace

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cc: All Counsel of Record via E-filing

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October 16, 2012

via E-file and facsimile - (212) 401-9057

HON. CHARLES E. RAMOS
SUPREME COURT NEW YORK COUNTY
60 Centre Street, Room 691
New York, New York 10007-1474

Re: Orchard Hotel, LLC v. D.A.B. Group, LLC, et al.
Index No.: 850044/2011

Dear Justice Ramos:

This firm represents the Defendant D.A.B.GROUP, LLC in connection with the above captioned matter.

We have subpoenaed, as non-party witnesses, three former employees of Brooklyn Federal Savings Bank a party Defendant on the counterclaims. The counterclaims have been dismissed by Justice Fried. I have been advised both telephonically and by letter dated October 2, 2012, from James G. Marsh, counsel to Brooklyn Federal Savings Bank, that he was in the process of being retained to represent the non-party witnesses. Mr. Marsh's letter is E-filed document number 420. The deposition of the party Plaintiff was taken in this matter.

Mr. Marsh has requested that the depositions of the subpoenaed parties be adjourned to accommodate one of the witnesses travel plans and Mr. Marsh's own travel plans so that the depositions will be rescheduled for early November 2012, when both the witness and counsel return.

In addition, the Court had requested that the parties schedule a status conference at the conclusion of the depositions. A conference is currently scheduled for November 16, 2012.

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page 2.

Re: Orchard Hotel, LLC v. D.A.B. Group, LLC, et al.
Index No.: 850044/2011

I respectfully request that the conference now scheduled be adjourned for two reasons. First, and foremost, I will be actually engaged before Justice Elizabeth H. Emerson in Supreme Court, Suffolk County in a matter entitled *LARJ, INC. and JOSEPH AYVAZIAN v. RENEE LIPPE* Index No.: 31355-11 in an evidentiary hearing. Second, it does not appear that all three non-parties will be deposed prior to November 16, 2012.

Accordingly, I respectfully request that the November 16, 2012 status conference be adjourned to November 19th, November 20th, November 27th or November 28, 2012 or such other date convenient to the Court.

I am advising all counsel of this request via E-filing.

Respectfully yours,

FAVATA & WALLACE, LLP



William G. Wallace

WGW: / g

cc: All Counsel of Record via E-filing

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January 2, 2013

via E-file and facsimile - (212) 401-9057

HON. CHARLES E. RAMOS
SUPREME COURT NEW YORK COUNTY
60 Centre Street, Room 691
New York, New York 10007-1474

Re: Orchard Hotel, LLC v. D.A.B. Group, LLC, et al.
Index No.: 850044/2011
Motion Sequence Number 7 and Number 8

Dear Justice Ramos:

The undersigned represents the Defendant D.A.B.GROUP, LLC in connection with the above captioned matter.

On December 26, 2012 the Plaintiff and Receiver moved, by Order To Show Cause, for an Order which, among other things, would authorize the temporary receiver to execute documents in connection with a zoning application. The Orders To Show Cause were signed by Justice Schulman in your absence, and filed on December 27, 2012.

As I was out of my office for the holidays at the time Justice Schulman executed the Orders To Show Cause and they were served via E-file, I respectfully request a two week adjournment of the return date of January 8, 2013 so that the Defendant may submit opposing papers.

This matter is scheduled for a status conference on January 8, 2013 at which time I will be prepared to discuss a briefing schedule.

Respectfully yours,

FAVATA & WALLACE, LLP


William G. Wallace

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cc: All Counsel of Record via E-filing

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via E-file and facsimile - (212) 401-9057

April 4, 2013

HON. CHARLES E. RAMOS
SUPREME COURT NEW YORK COUNTY
60 Centre Street, Room 691
New York, New York 10007-1474

Re: Orchard Hotel, LLC v. D.A.B. Group, LLC, et al.
Index No.: 850044/2011
Motion Sequence #6

Dear Justice Ramos:

I am in receipt of the email from your principal law clerk Orna Artal, Esq. denying my application on behalf of defendant D.A.B. Group, Inc. for a thirty day extension to submit supplemental brief in connection with the summary judgment motion.

The deposition of non-party witness Richard Maher was completed at approximately 8 p.m. last night, April 3, 2013, and the parties have ordered the transcript of that deposition on an "expedited" basis. The court reporter (chosen by the Plaintiff) promised the transcript within five business days of the deposition which would make the transcript available on Wednesday, April 10, 2013, a mere two days before the deadline for filing supplemental submissions. I understand that the Court has rejected my request for a thirty day extension.

Under the circumstances, I respectfully request that the Court grant a six day extension making supplemental submissions due on or before April 18, 2013.

Respectfully submitted,
FAVATA & WALLACE, LLP


William G. Wallace

WGW: / aa

cc: All Counsel of Record via E-filing

cc: Orna Artal, Esq., Principle Law Clerk to Honorable Justice Charles E. Ramos
via facsimile only